

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Reexamination of the Comparative Standards)	MM Docket No. 95-31
For Noncommercial Educational Applicants)	

To: The Commission

REPLY COMMENTS OF STATION RESOURCE GROUP

The Station Resource Group (“SRG”) respectfully submits these reply comments in the matter of the above-captioned Second Further Notice of Proposed Rule Making (“SFNPRM”), MM Docket No. 95-31 (released February 25, 2002).

In its Comments in this proceeding, SRG observed that two of the three options presented in the SFNPRM – to hold NCE entities ineligible for licenses for non-reserved channels and frequencies, and to permit NCE entities to acquire licenses for non-reserved channels and frequencies only when there is no conflict with commercial entities – are flawed in one of several ways. Those options either are contrary to law, in conflict with desirable policy, or are inconsistent with historical fact.

SRG’s observations are shared by other noncommercial educational commenters in this proceeding. A clear consensus has emerged on two fundamental points. First, public radio needs more spectrum. Second, the need of public radio for more spectrum has been recognized by Congress and by statute, in legislative amendments to the Communications Act of 1934. Support for these propositions is broad and diverse, as reflected in comments filed by, for example, National Public Radio, Inc.; National Federation of Community Broadcasters; Moody Bible

Institute, Houston Christian Broadcasters, Augusta Radio Fellowship Institute, The Sister Sherry Lynn Foundation, and The Praise Network (jointly); The University of Northern Iowa; WRVU-FM, Radford University; The Rocky Mountain Corporation for Public Broadcasting; Association of Public TV Stations; Beacon Broadcasting Corp. and United Educational Broadcasting (jointly); and The Curators of The University of Missouri.

In the face of this compelling consensus, the Commission's options premised on (1) ineligibility and (2) absence of conflict with commercial entities, are undeniably antithetical to the demonstrated need for additional public broadcasting spectrum. Accordingly, SRG reiterates that the Commission must afford NCE entities additional opportunities to reserve channels. To facilitate such opportunities, SRG urges the Commission to incorporate a Petition Period into the auction process as SRG proposed in its initial Comments.¹

SRG proposes that the Petition Period facilitate a showing of relative need for a new NCE station, based on objective criteria that are simple and affordable.² The Comments of National Public Radio, Inc. ("NPR"), provide a workable framework for evaluating such need.³

NPR's standard would require an NCE applicant to demonstrate it is technically precluded from using a reserved channel or that there is no reserved spectrum available that would serve at least 50% of the area within the protected service contour of the subject allotment. This being the case, in order to reserve the channel, the applicant would need to demonstrate that there is no other non-reserved channel that meets the 50 Percent Standard. If there were other non-reserved channels available, the Commission would reserve one of them for NCE use.

¹ See SRG Comments at 7-9.

² *Id.*, at 8.

³ See Comments of National Public Radio, Inc., at 13-15.

NPR's technical analysis of the potential impact of such a framework reflects the reasonableness of its objective approach and the compelling need to liberalize the criteria for reserving individual channels. SRG supports the adoption of NPR's proposed reservation standards.

Respectfully submitted,

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